

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Morishita et al.

Art Unit: Not yet assigned

Application No. 09/857,719

Filed: June 8, 2001

For: GENE THERAPY FOR  
CARDIOMYOPATHY

Examiner: Not yet assigned

Date: October 26, 2001

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on October 26, 2001, as First Class Mail in an envelope addressed to BOX PCT, COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

*Richard J. Polley*  
Richard J. Polley, Esq.  
Attorney for Applicant

RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. § 371

BOX PCT  
COMMISSIONER FOR PATENTS  
Washington, DC 20231

Enclosed for filing in the application referenced above are the following:

- ☐ Copy of Notification of a Defective Oath or Declaration.
- ☐ Combined Declaration and Power of Attorney executed in accordance with either 37 C.F.R. 1.66 or 37 C.F.R. 1.68.
- ☐ A check in the amount of \$400.00 to cover the fee listed below.
- ☐ Applicants petition for an extension of time for two month(s). If an additional extension of time is required please consider this a petition therefor.
- ☐ The Director is hereby authorized to charge any additional fees which may be required, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.

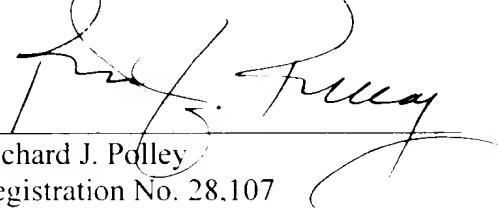
*10/26/01  
See Sheet 1/2  
# 312*

☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

  
Richard J. Polley  
Registration No. 28,107

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cc: Docketing

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**FAX TRANSMITTAL**

**DATE:** February 14, 2002

**TO:** Examiner Deborah Williams

**FAX PHONE:** 703-305-3230

**FROM:** William D. Noonan, M.D.

**RE:** U.S. Patent Application No. 09/857,719  
For: GENE THERAPY FOR CARDIOMYOPATHY  
Filed: June 8, 2001

**OUR FILE:** 6235-59216

**NO. PAGES** 8 (including this cover page)

**MESSAGE:** In response to your telephone request this morning attached is a copy of the Combined Declaration and Power of Attorney for the above-identified patent application, along with our Response to Notice of Missing Requirements, which was submitted to the Patent and Trademark Office on October 26, 2001. Also, attached is a copy of the postcard receipt date stamped by the PTO December 3, 2001.

If you do not receive all pages or if you have problems receiving transmittal, please call us at (503) 226-7391 as soon as possible and ask for Nicole M. Salazar.

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☒ Via facsimile only.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS CONFIDENTIAL AND ONLY FOR THE INTENDED RECIPIENT IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR USE OF THIS COMMUNICATION IS UNLAWFUL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT), RETURN THE ORIGINAL MESSAGE TO US, AND RETAIN NO COPY.



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. Docket No.
09/857719	MORISHITA	6235-59216
		INTERNATIONAL APPLICATION NO.
		PCT/JP00/06947
		FILED DATE
		05 OCT 00
		PRIORITY DATE
		08 OCT 99

 KLARQUIST SPARKMAN CAMPBELL  
 LEIGH & WHINSTON  
 ONE WORLD TRADE CENTER SUITE 1600  
 121 S.W. SALMON STREET  
 PORTLAND, OR 97204 2988

DATE MAILED 26 JUN 2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

 1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☐ an Elected Office (37 CFR 1.495):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status                         |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input type="checkbox"/> Translation of the international application into English |
| <input checked="" type="checkbox"/> Oath or Declaration of inventors(s).   | <input type="checkbox"/> Translation of Article 19 amendments into English         |
| <input checked="" type="checkbox"/> Copy of Article 19 amendments.   | <input type="checkbox"/> Other   |
| <input checked="" type="checkbox"/> Priority Document.   |  |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any      |  |
| <input checked="" type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. |  |

 DOCKETED FOR  
 8/24/01 2/24/01  
 C-75  
 B-1  
 E-1  
 A-1

 2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- |   |  |
|---|--|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application |
|---|--|

 3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ d. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ e. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

 4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fees, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

 5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
- 7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

**A copy of this notice *MUST* be returned with this response.**

- |  |  |
|--|--|
| Enclosed <input checked="" type="checkbox"/> PCT/DO/EO/917 | <input type="checkbox"/> Notice of Defective Translation |
| <input type="checkbox"/> PTO-875                           | <input type="checkbox"/> PCT/DO/EO/930                   |

Deborah Williams

FORM PCT/DO/EO/935 (March 2001)

Telephone 703-305-3744

COPY

CLIENT/MATTER NO. 6235-59216 ATTY/SEC JOC /+RL  
 INVENTOR(S): Morishita et al  
 APP. NO. 34/852,712 FILING DATE 6/8/2001  
 The following, due 8/26/01 mailed 10/26/01  
 by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

<input type="checkbox"/> Amendment	<input type="checkbox"/> Marked Up Claims/Spec.	<input type="checkbox"/> After Final Rejection
<input checked="" type="checkbox"/> Extension of Time/Extension Fee for <u>2</u> Months		
<input type="checkbox"/> Notice to File Missing Parts - Date	<input type="checkbox"/> Ltr to Draftsperson	
<input type="checkbox"/> Notice to File Corrected App. Papers - Date	<input type="checkbox"/> Notice-Allowability	
<input checked="" type="checkbox"/> Comb. Dec./POA	<input type="checkbox"/> Sht(s) Drawings	<input type="checkbox"/> Late Fee
<input type="checkbox"/> Issue Fee Transmittal (Form PTOL-85b)	<input type="checkbox"/> Sequence Listing	<input type="checkbox"/> pages
<input type="checkbox"/> Supp. Dec.	<input type="checkbox"/> Issue/Adv. Order fees	<input type="checkbox"/> Stmt in Comp.
<input type="checkbox"/> IDS	<input type="checkbox"/> Form PTO-1449/Ref.	<input type="checkbox"/> Disk
<input type="checkbox"/> Assignment to:	<input type="checkbox"/> Petition	
<input checked="" type="checkbox"/> Transmittal Ltr. + <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 copy(ies)	<input type="checkbox"/> Recordal Sheet	
<input checked="" type="checkbox"/> Check No. <u>880016</u> for \$ <u>400.00</u>	<input type="checkbox"/> Request for Corrected Filing Receipt	
<input checked="" type="checkbox"/> Notice of Defectiveness with a Declaration	<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority	

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